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*Beverly S. Carter*  
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**To:** U.S. Patent and Trademark Office  
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**U.S. Serial No.:** 09/758,632  
**Our Ref.:** 39303-20222.00

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**Comments:**

**Please see attached Petition to Withdraw from Issue, RCE, IDS and first page only of six (6) publications. The original documents are being sent by Express Mail.**

OCT 07 2004

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, and being deposited with the U.S. Postal Service as Express Mail Airbill No. EV375955985US in an envelope addressed to MS 313(c), Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on the date shown below.

Dated: October 7, 2004

Signature:

Marco Jiménez

## SPECIAL PROCEDURES SUBMISSION

Docket No.: 393032022200  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Yoshiki NISHITANI, et al.

Serial No.: 09/758,632

Filing Date: January 10, 2001

For: APPARATUS AND METHOD FOR  
DETECTING PERFORMER'S MOTION  
TO INTERACTIVELY CONTROL  
PERFORMANCE OF MUSIC OR THE  
LIKE

Examiner: Marlon Fletcher

Group Art Unit: 2837

**PETITION TO WITHDRAW APPLICATION FROM  
ISSUE PURSUANT TO 37 CFR 1.313 (c)(2)**

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioners hereby petition the Commissioner to withdraw the above-identified application from issue. The Issue Fee in this application was timely paid on February 23, 2004.

On September 21, 2004, an office action citing references was mailed in connection with the related Japanese application. Accordingly, Applicants request withdrawal from issue to file an Information Disclosure Statement (IDS) pursuant to 37 C.F.R. § 1.97 and § 1.98 with a Request for Continued Examination (RCE). The IDS and RCE are enclosed with this petition.

Please charge our Deposit Account No. 03-1952 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h) or (i). Fee transmittal form PTO/SB/17 is enclosed is duplicate.

Ja-751937

Application No.: 09/758,632

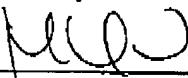
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Docket No.: 393032022200

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-1952, under Attorney Docket No. 393032022200.

Dated: October 7, 2004

Respectfully submitted,

By   
Mehran Arjomand

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